

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

MENDAKOTA INSURANCE COMPANY,  
 Plaintiff,  
 vs.  
 GIOVANNI VARGAS-ANTIGUA, *et al.*,  
 Defendants.

Case No. 2:13-cv-00238-RCJ-CWH  
**ORDER**

This matter is before the Court on the parties' Joint Discovery Plan and Scheduling Order (#50), filed on July 29, 2013. The Court has reviewed the Plan and finds that it does not comply with Local Rule ("LR") 26-1. The Court notes that, pursuant to LR 26-1(e)(1), discovery is measured from "the date the first defendant answers or otherwise appears." Here, the parties' measured their request from July 7, 2013, which is a Sunday, despite the first defendant appearing on June 13, 2013. *See* Stipulation #34. The parties give no reason for why the discovery cutoff deadline should be measured differently from LR 26-1's standard so the Court will enter the standard discovery deadlines. Further, the proposed plan and scheduling order does not cite LR 26-4. LR 26-4 states, "All motions or stipulations to extend a deadline set forth in a discovery plan shall be received by the Court no later than twenty-one (21) days before the expiration of the subject deadline." Accordingly, the Court will modify the plan to reflect the this standard for requesting a modification or extension.

Based on the foregoing and good cause appearing therefore,

**IT IS HEREBY ORDERED** that the parties' Joint Discovery Plan and Scheduling Order (#50) is **denied**.

**IT IS FURTHER ORDERED** that the following dates shall govern discovery:

1. Discovery cutoff **December 10, 2013**
2. Motions to amend pleadings and add parties **September 11, 2013**

- |   |    |                              |                          |
|---|----|------------------------------|--------------------------|
| 1 | 3. | Expert designations          | <b>October 11, 2013</b>  |
| 2 | 4. | Rebuttal expert designations | <b>November 12, 2013</b> |
| 3 | 5. | Interim status report        | <b>October 11, 2013</b>  |
| 4 | 6. | Dispositive motions          | <b>January 9, 2014</b>   |

5       **IT IS FURTHER ORDERED** that any extension of the discovery deadline will not be  
6 allowed without a showing of good cause as to why all discovery was not completed within the  
7 time allotted. All motions or stipulations to extend discovery shall be received by the Court at  
8 least twenty-one (21) days prior to the date fixed for completion of discovery, at least twenty-  
9 one (21) days prior to the expiration of any extension thereof that may have been approved by  
10 the Court, or at least twenty-one (21) days prior to the expiration of the subject deadline. Any  
11 extension or modification of a discovery deadline or subject deadline not filed at least twenty-one  
12 (21) days prior to the date fixed for completion of discovery or the expiration of the subject  
13 deadline must be supported by a showing that the failure to act was the result of excusable  
14 neglect. The motion or stipulation shall include:

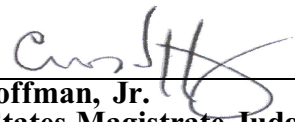
- 15           a.     A statement specifying the discovery completed by the parties as of the
- 16                     date of the motion or stipulation;
- 17           b.     A specific description of the discovery which remains to be completed;
- 18           c.     The reasons why such remaining discovery was not completed within the
- 19                     time limit of the existing discovery deadline; and,
- 20           d.     A proposed schedule for the completion of all remaining discovery.

21       It is not good cause for a later request to extend discovery that the parties informally  
22 postponed discovery. No stipulations are effective until approved by the Court, and “[a]ny  
23 stipulation that would interfere with any time set for completion of discovery, for hearing of a  
24 motion, or for trial, may be made only with approval of the Court.” *See* LR 7-1(b).

25       **IT IS FURTHER ORDERED** that if no dispositive motions have been filed within the  
26 time frame specified in this Order, then the parties shall file a written, joint proposed Pretrial  
27 Order by **February 10, 2014**. If dispositive motions are filed, then the parties shall file a  
28 written, joint proposed Pretrial Order within 30 days of the date the Court enters a ruling on

1 said dispositive motions.

2 DATED this 30th day of July, 2013.

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6 C.W. Hoffman, Jr.  
7 United States Magistrate Judge  
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